

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

BID FOR POSITION, LLC,

Plaintiff/Counterclaim Defendant,

v.

Civil Action No. 2:07cv582 (JBF-TEM)

AOL LLC,  
GOOGLE INC.,  
MICROSOFT CORP.,  
and MIVA, INC.,

Defendants/Counterclaim Plaintiffs.

**DECLARATION OF CLAYTON BAVOR**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

BID FOR POSITION, LLC,

Plaintiff/Counterclaim Defendant,

v.

Civil Action No. 2:07cv582 (JBF-TEM)

AOL LLC,  
GOOGLE INC.,  
MICROSOFT CORP.,  
and MIVA, INC.,

Defendants/Counterclaim Plaintiffs.

**DECLARATION OF CLAYTON BAVOR  
IS FILED UNDER SEAL PURSUANT TO GOOGLE INC.'S MOTION  
TO FILE UNDER SEAL THE DECLARATION OF CLAYTON  
BAVOR AND PORTIONS OF THE BRIEF IN SUPPORT OF  
DEFENDANT GOOGLE INC.'S MOTION FOR AN ORDER  
SUSTAINING GOOGLE'S OBJECTION TO PLAINTIFF'S  
DESIGNATION OF DANA TODD AS A TECHNICAL ADVISOR  
UNDER THE PROTECTIVE ORDER**

**THIS ENVELOPE CONTAINS DOCUMENTS THAT ARE SUBJECT TO AN AGREED  
PROTECTIVE ORDER ENTERED BY THE COURT IN THIS ACTION. THIS  
ENVELOPE SHALL NEITHER BE OPENED NOR THE CONTENTS REVEALED  
EXCEPT BY ORDER OF THE COURT.**

Dated: May 15, 2008

Respectfully submitted,

/s/

---

Stephen E. Noona  
VSB No. 25367  
KAUFMAN & CANOLES, P.C.  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624-3000  
Facsimile: (757) 624-3169  
[senoona@kaufcan.com](mailto:senoona@kaufcan.com)

Charles K. Verhoeven, *pro hac vice*  
David A. Perlson, *pro hac vice*  
Emily C. O'Brien, *pro hac vice*  
Antonio R. Sistos, *pro hac vice*  
Katherine H. Bennett, *pro hac vice*  
QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700  
[charlesverhoeven@quinnemanuel.com](mailto:charlesverhoeven@quinnemanuel.com)  
[davidperlson@quinnemanuel.com](mailto:davidperlson@quinnemanuel.com)  
[emilyobrien@quinnemanuel.com](mailto:emilyobrien@quinnemanuel.com)  
[antoniosistos@quinnemanuel.com](mailto:antoniosistos@quinnemanuel.com)  
[katherinebennett@quinnemanuel.com](mailto:katherinebennett@quinnemanuel.com)

Thomas D. Pease, *pro hac vice*  
QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100  
[thomaspease@quinnemanuel.com](mailto:thomaspease@quinnemanuel.com)

*Counsel for Defendant Google Inc.*

## **CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

### **Counsel for Plaintiff Bid for Position, LLC**

Craig T. Merritt (VSB No. 20281)  
R. Braxton Hill, IV (VSB No. 41539)  
Nichole Buck Vanderslice (VSB No. 42637)  
CHRISTIAN & BARTON, LLP  
909 East Main Street, Suite 1200  
Richmond, VA 23219-3095  
Telephone: (804) 697-4100  
Facsimile: (804) 697-4112  
[cmerritt@cblaw.com](mailto:cmerritt@cblaw.com)  
[bhill@cblaw.com](mailto:bhill@cblaw.com)  
[nvanderslice@cblaw.com](mailto:nvanderslice@cblaw.com)

Gregory S. Dovel, *pro hac vice*  
Christin K. Cho, *pro hac vice*  
DOVEL & LUNER, LLP  
201 Santa Monica Blvd., Suite 600  
Santa Monica, CA 90401  
Telephone: (310) 656-7066  
Facsimile: (310) 656-7069  
[greg@dovellaw.com](mailto:greg@dovellaw.com)  
[christin@dovellaw.com](mailto:christin@dovellaw.com)

David E. Rosen, *pro hac vice*  
MURPHY ROSEN & MEYLAN, LLP  
100 Wilshire Blvd., Suite 1300  
Santa Monica, CA 90401  
Telephone: (310) 899-3300  
Facsimile: (310) 399-7201  
[drosen@mrmlawyers.com](mailto:drosen@mrmlawyers.com)

### **Counsel for Defendant AOL LLC**

Stephen E. Noona (VSB No. 25367)  
KAUFMAN & CANOLES, P.C.  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624-3000  
Facsimile: (757) 624-3169  
[senoona@kaufcan.com](mailto:senoona@kaufcan.com)

John M. Williamson, *pro hac vice*  
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP

901 New York Avenue, NW, Suite 700  
Washington, DC 20001  
Telephone: (202) 408-4000  
Facsimile: (202) 408-4400  
[john.williamson@finnegan.com](mailto:john.williamson@finnegan.com)

Robert L. Burns, II, *pro hac vice*  
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP  
Two Freedom Square  
11955 Freedom Drive  
Reston, VA 20190  
Telephone: (571) 203-2700  
Facsimile: (202) 408-4400  
[robert.burns@finnegan.com](mailto:robert.burns@finnegan.com)

Charles K. Verhoeven, *pro hac vice*  
David A. Perlson, *pro hac vice*  
Emily C. O'Brien, *pro hac vice*  
Antonio R. Sistos, *pro hac vice*  
Katherine H. Bennett, *pro hac vice*  
QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700  
[charlesverhoeven@quinnemanuel.com](mailto:charlesverhoeven@quinnemanuel.com)  
[davidperlson@quinnemanuel.com](mailto:davidperlson@quinnemanuel.com)  
[emilyobrien@quinnemanuel.com](mailto:emilyobrien@quinnemanuel.com)  
[antoniosistos@quinnemanuel.com](mailto:antoniosistos@quinnemanuel.com)  
[katherinebennett@quinnemanuel.com](mailto:katherinebennett@quinnemanuel.com)

Thomas D. Pease, *pro hac vice*  
QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100  
[thomaspease@quinnemanuel.com](mailto:thomaspease@quinnemanuel.com)

**Counsel for Defendant Microsoft Corporation**

William D. Dolan, III (VSB No. 12455)  
VENABLE LLP  
8010 Towers Crescent Drive, Suite 300  
Vienna, VA 22182  
Telephone: (703) 760-1684  
Facsimile: (703) 821-8949  
[wddolan@venable.com](mailto:wddolan@venable.com)

Richard A. Cederoth, *pro hac vice*  
Laura L. Kolb, *pro hac vice*  
SIDLEY AUSTIN LLP  
1 South Dearborn Street  
Chicago, IL 60603  
Telephone: (312) 853-7000  
Facsimile: (312) 853-7036  
[rcederoth@sidley.com](mailto:rcederoth@sidley.com)  
[lkolb@sidley.com](mailto:lkolb@sidley.com)

**Counsel for Defendant MIVA, Inc.**

Dana J. Finberg (VSB No. 34977)  
LECLAIR RYAN, PC  
Riverfront Plaza, East Tower  
951 East Byrd Street, 8<sup>th</sup> Floor  
Richmond, VA 23219  
Telephone: (804) 916-7109  
Facsimile: (804) 916-7219  
[dana.finberg@leclairryan.com](mailto:dana.finberg@leclairryan.com)

Paul D. Ackerman, *pro hac vice*  
Aasheesh Shravah, *pro hac vice*  
DORSEY & WHITNEY LLP  
250 Park Avenue  
New York, NY 10177  
Telephone: (212) 415-9200  
Facsimile: (212) 953-7201  
[ackerman.paul@dorsey.com](mailto:ackerman.paul@dorsey.com)  
[shravah.aasheesh@dorsey.com](mailto:shravah.aasheesh@dorsey.com)

/s/

---

Stephen E. Noona  
VSB No. 25367  
*Counsel for Defendant Google Inc.*  
KAUFMAN & CANOLES, P.C.  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624-3000  
Facsimile: (757) 624-3169  
[senoona@kaufcan.com](mailto:senoona@kaufcan.com)